

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

<input checked="" type="checkbox"/> HRFO (1000)	<input type="checkbox"/> BRFO (3000)	<input type="checkbox"/> District ()
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CX#: DOI-BLM-NV-W0-2012-0027-CX	Date: 3-26-12
Regulatory Authority (CFR or Law): 43 CFR 2800	Lease / Case File / Serial #: N-90696
BLM Manual: 2800	
Subject Function Code: 2800	
Project Lead Preliminary Review: Is the project located within a Preliminary Priority Habitat Area? Yes	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Debbie Dunham
3. Project Title: Dixie Valley Study N-90696 ROW
4. Applicant: Churchill County
5. Project Description: (briefly describe who, what, when, where, why, how)

On December 8, 2011, Churchill County submitted a right-of-way (ROW) application to the Winnemucca District Office to conduct a five-year water resource study, funded through PL 110-161. The study team is headed by the BOR and consists of the USGS, State Engineer, and private consultants. The applicant is seeking authorization for a 20 year ROW, for three existing storage precipitation gauges, mounted approximately 7 feet above ground, buried 30 inches deep, consisting of a conical storage vessel equipped with a 48 inch diameter Altar wind screen. The installation of the existing gauges was a misunderstanding of casual use by the proponent. The gages will be evaluated as existing sites and if necessary, the installations will be modified through mitigation. Gages would be maintained over a 20 year period to develop a long term record, although the study is only five years, which is not long enough to develop a good record. Mahannah & Associates has teamed with InterFlow Hydrology maintain the equipment.

The Upper Cottonwood gage was installed in December 2008 and the Upper and Lower Golconda gages in October 2011. Churchill County received a ROW on March 12, 2012, for two precipitation gauges (also previously installed) from the Battle Mountain Office.

Churchill County is proposing to conduct a five-year water resource study to determine the viability of ground-water exportation from Dixie Valley into the Carson Desert for municipal supply.

Gages have a very small footprint and are installed by hand with no mechanized equipment.

Project dimensions (length, width, height, depth): Each gage would be 7 feet above ground, placed in a 12 " diameter x 30" deep hole to set the 6"x6" redwood posts in. The Altar wind screen is 48 inches in diameter.

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Acreage: 0.01

Would the project result in new surface disturbance? Yes___ No X

Has the project area been previously disturbed? Yes X No ___ N/A____. If yes, what percent of the project area has been disturbed? 100%. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 25 N., R. 36 E., sec.15, NESW;
 T. 29 N., R. 40 E., sec. 29, NWSW;
 T. 28 N., R. 40 E., sec. 7, NENW.

USGS 24k Quad name: Logan Peak; Needle Peak.

250k Map name: Fish Creek

Land Status: BLM X Private_____ Other_____

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Part I: Plan Conformance Review

The proposed Action is subject to the:

- ☐ Paradise-Denio Management Framework Plan
- ☒ Sonoma-Gerlach Management Framework Plan
- ☐ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

This project would be in conformance with the land use plan because of Objective L-4 which states: “To provide lands for rights-of-way on or across public lands.”

(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3)).

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

☒ 516 DM11.9, (BLM) Realty #16: Acquisition of easement for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

☒ 516 DM11.9, (DOI) 1.6: Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	X
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	X	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	X

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	X	Greater sage-grouse (<i>Centrocercus urophasianus</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.
<input type="checkbox"/>	X	Ferruginous hawk (<i>Buteo regalis</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.

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<input type="checkbox"/>	X	Swainson's hawk (<i>Buteo swainsoni</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.
<input type="checkbox"/>	X	Loggerhead shrike (<i>Lanius ludovicianus</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.
<input type="checkbox"/>	X	Brewer's sparrow (<i>Spizella breweri</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.
<input type="checkbox"/>	X	Bighorn sheep (<i>Ovis Canadensis</i>)	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance will take place.

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
	<input type="checkbox"/> Yes X No	None. Gauges are already installed and no new surface disturbance would take place.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks: "See Attached"

Part III: DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that

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the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

☒ Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

☐ Based on **regulatory authority or law that allows BLM to take action**, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Provide text of regulatory authority being used to allow BLM to take action.

Authorized Official: \s\ Michael Truden
(Signature)

Date: 6-28-12

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

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In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).